

QUID NOVI

*Université McGill,
Faculté de Droit
Volume 31, no. 14
9 mars 2010*

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Faculty of Law
Volume 31, no. 14
March 9th, 2010*

SKIT NITE 2010

9 Mars

Presented by

SODA (1325 St. Laurent)
/ Show at 8pm
/ \$20 at the door

Bakes

QUID NOVI

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Éditorial/Editorial by Chanel Sterie (LAW II)

Run for or Away From the LSA?

I can't help but notice the scarce list of nominations for next year's LSA Executive. More than half the positions were left vacant following the first set of nominations due this past Friday. Of the nine available positions, five are vacant, three are presently acclaimed, including the President position, meaning there will be a vote for only one post. These numbers differ from last year's elections, in which only two positions were acclaimed; two positions had three candidates vying for the spot.

So what's changed since last year? Are people suddenly disinterested in student politics? Although there has been a lot of discussion over the past few weeks about the LSA and their work, it seems few want to pick the ball up and run with it. Whatever happened to 'be the change'?

It is unsettling that so few people are willing to run for LSA Executive and contribute to student life at the Faculty. The LSA serves an important purpose - to represent students and their interests both within the Faculty and beyond. It also works to create a sense of community within the Faculty.

continued on p.21

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Contributions should preferably be submitted as a .doc attachment (**and not, for instance, a ".docx."**).
Contributions should also include the **student year** of the contributor.

Texas, Big State, Bigger Misunderstanding

by Wela Quan (LAW III)

I was very disappointed to read Chase Barlet's article in the February 16th edition of the Quid bashing all things Texas. Even though I am not personally from Texas, some of you may know that my long time boyfriend (and yes, I prefer the term "boyfriend" to "partner") is Texan and very proud of it. While the article claims to be a satire, I could not for the life of me figure out what the actual satire was intended to be of. According to Wikipedia, the satire's sarcasm "often professes to approve the very things the satirist actually wishes to attack". I don't know about other readers but I found that the article didn't profess to approve anything and just ended up attacking. Or maybe I have it all backwards and the article's attacks on Texas are really meant to be read as the author's approval of Texas? Whatever the case may be, I only want to respond by pointing out the fact that not all of us see Texas the same way.

Having visited Texas several times, I think it is wrong to paint this big state with one sweeping generalization. I cannot claim to know a whole lot about Texas since I've never lived there but being Albertan, I can sympathize with how Texans must feel when they leave home. Let's face it; to the rest of Canada, I am no different than our gun-toting, god-fearing, oil loving Texan sisters to the south. I know you will be shocked to learn that despite having spent 15 years of my life in Alberta I have never actually touched a gun. Go figure.

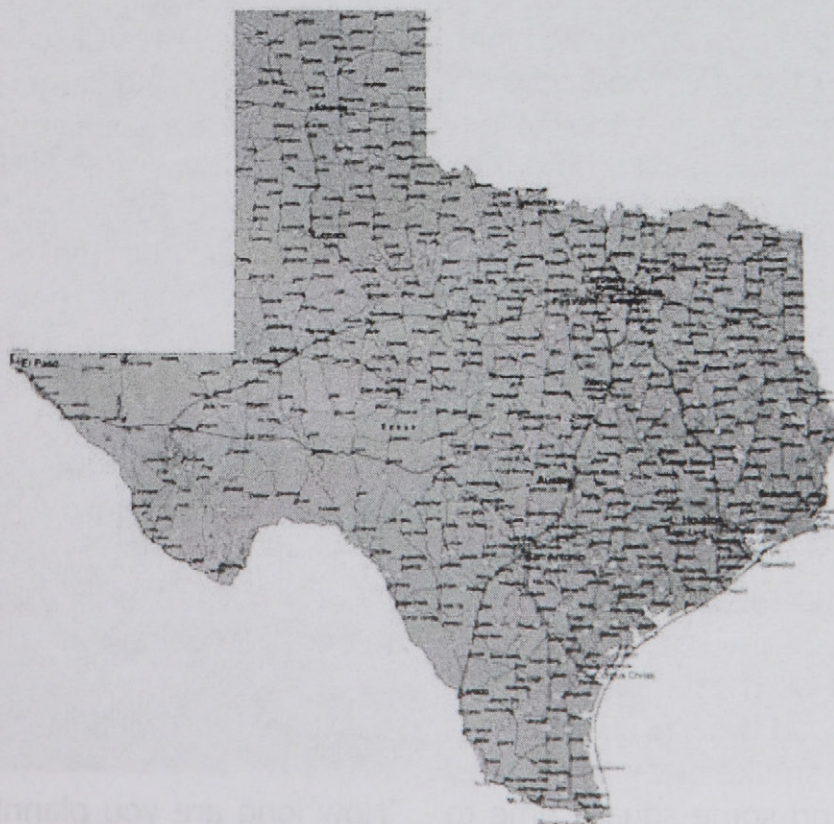
It is easy to focus on the negatives coming from Texas. It is easy to point our fingers and blame George Bush (whose family is actually from Connecticut) because it is hard to ask ourselves what went so wrong with the legal and political system. It is easy to project homophobia onto Texas because it is hard to ask why Proposition 8 and why only 5 states out of 50? It is

easy to blame Texas and Big Oil because it is hard to make our own personal sacrifices for the environment. Like Quebec, there is always talk of cession from the union in Texas but no one ever stops to wonder why. Would you want to stay in a family which singles you out as the sole cause of all problems when no one even considers the role of the 49 other members?

Instead of pointing our fingers, we should attempt to understand and engage those who we are not familiar with. Encouraging these negative stereotypes only serves to further alienate Texans and make them more defiant. Texas is not perfect. My boyfriend admits that there is still a lot of racism and homophobia, but this does not mean the situation is static. Over the next few years, the demographics of Texas may bring about a big political change. According to the *Economist*, "The body to watch is the Mexican American Legislative Caucus (MALC), which claims 44 of the 74 Democrats in the Texas House (there is not one Hispanic Republican there, a gigantic problem for the party)". If this keeps up, a democratic majority in Texas would not be far away. Beyond this, Houston, the

4th largest city in America, just recently elected an openly lesbian mayor. Annise Parker took office on January 2nd of this year and it was her long time partner Kathy Hubbard who held the Bible for her swearing in ceremony. Just as America is swept up with the hope of change, Texas too can look to a more tolerant and inclusive future.

The last time I went to Texas, I visited both San Marcos (population 50, 000) and Austin (capital of Texas; home to University of Texas at Austin - my boyfriend's alma mater). The two cities could not have been more different. During my entire 5 day stay in San Marcos, I did not see a single minority. All the students I met drove big trucks, their families probably all own guns and I couldn't even finish a quarter of any of the meals I was served. San Marcos was overwhelmingly and stereotypically "Texan". On the other hand, Austin was teeming with diversity in all senses of the word. I saw several great live bands, ate normal sized Mexican dinners and enjoyed going out on 6th street (bar street). This street, the stomping grounds of the 80,000 plus UT Austin students, is no more of a "cesspool of alcoholic lust" than St-Lau-



rent during McGill Frosh Week. One can say, Austin was 'anything but' stereotypically Texan, especially since it votes democrat. But last time I checked Austin was, and still is, in Texas which makes it every bit as Texan as San Marcos. Besides, Texans are just so damned nice. The people I met in San Marcos and in Austin were equally welcoming. Call me old fashioned but I genuinely enjoyed the southern hospitality.

In July of 2009, the *Economist* ran a whole series of articles based on the rise of Texas. The articles discussed

among other things the fact that Texas is poised to be a crucial leader for the future of America. I highly recommend them because they present both the positives and the negatives of Texas in what I consider a more diplomatic and objective light. Whether we like it or not, the Lone Star will light up the map and I invite all of you to learn more about this complicated state.

As a side note: In the last federal election, Edmonton-Strathcona, where my alma mater the University of Alberta is located, elected an NDP candidate as our member of Parliament. Even though

Stephen Harper is from Calgary, Edmontonians proved in the last election that Albertans are also changing.

I invite all of you to get over your own stereotypes and talk about Texas with a Texan. If you do I am sure you will find that "real men [do] come from Texas"; that they too can be modern and not "old-fashioned", progressive not "ultra-conservative", realistic not "conceited" and open minded not "close-minded jerks". But having said this, even I can't completely promise that they won't be armed, because seriously, *Don't Mess With Texas*.

Traffic Act

by Guillaume Ste-Marie (LAW I)

"Are you bringing back anything of value? You didn't fill in that part of the immigration form." This customs agent sure knew how to make me feel like a cheap bastard. "No," I didn't bring anything back. Despite the fact that I had left this town six months ago to temporarily live at the end of the world, I didn't bring anything back. Not for me, or anyone else. Thanks.

It was spring, and the idea of coming back was appalling. Not that Montreal's a bummer; it's quite the opposite, especially in the summer. The thing is, my savings account had run dry weeks prior, and I had busted what was left of my available credit on gin and tonic at the airport before my connecting flight. Needless to say, the effect had worn off. I picked up my bags and took a bus home, not knowing what I'd do during the following months. I skimmed the papers for a job the next morning and found out that some Crescent Street guido-hole was looking for a busboy. They hired me on the spot that same day. The pay check was irrelevant but the tips were good, so much sooner than expected, I had gathered a reasonable stash of twenties. While drunkenly cleaning up tables one afternoon (I had befriended the bartender), I decided it would be most reasonable to plan a decent road trip. All I'd need was to not drink or smoke away the money I had made, and some square time to

plan it. Saving money was easy enough. Problem was I had some generous friends in the city that kept my mind in a haze throughout the first weeks of summer. By the time I was ready to leave, the money was still there but I didn't know where I was going. I bought a beat-up car with half my stash and packed it with a guitar, a pocked-sized journal, an inadequate amount of underwear, a few shirts and, just in case, a sweet three-piece suit I had gotten tailored for cheap in Hong Kong. There I was, following the East Coast-teenager dream of driving West.

Now this all may seem like a rather romantic endeavour. Little did I know that a westbound 1994 Civic with a tank-full of gas wouldn't get me much further than a highway super-mall near Brock, Ontario. It was still early and I had nowhere else to go, so I fuelled up, bought a pack of smokes and decided I'd get to Chicago that night. "I got friends there", I convinced myself. I can be quite persuasive. Crossing the Sarnia customs wasn't as complicated as I had expected, considering my unkempt hair and the fact that I couldn't clearly define my destination.

"Where you going?"

"Chicago, then west."

"How long are you planning to stay in

the United States?"

"A few weeks, I don't know."

"Have a nice stay."

Stay? I slept in the car in a Wal-Mart parking lot just outside the city, hoping I could reach someone in Chicago in the morning.



Photo credit: Charlie Feldman



L'ASSOCIATION DU BARREAU CANADIEN

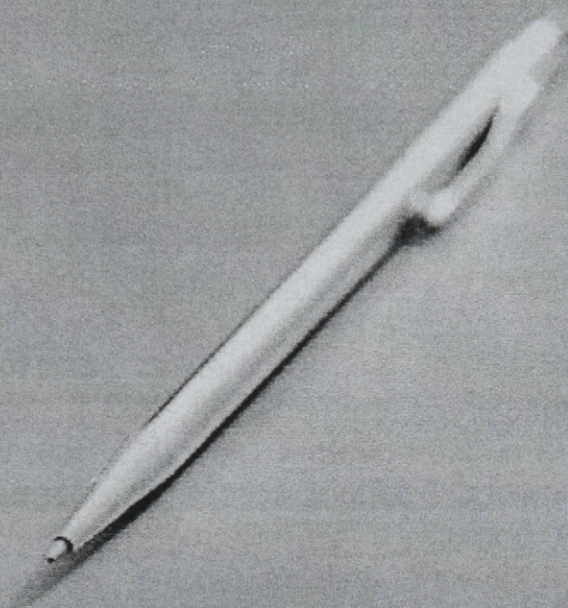
THE CANADIAN BAR ASSOCIATION

Division du Québec • Québec Branch



P R E S E N T S

ABC - QUÉBEC *Legal Essay Writing* Contest 2010



IN PARTNERSHIP WITH

OSLER

JURY

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Mr. Alexandre Fallon

Ms. Anne-Marie L. Lizotte

Mr. Sylvain Lussier, Ad.E.

Mr. Nicolas Nadeau Ouellet

Ms. Julie Patry

1st place

**SOQUIJ prize
of \$1500**

2nd place
\$1000

3rd place
\$500



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SOQUIJ

To participate*, you must
submit a legal essay
of 8 to 12 pages answering
the following question:

M. Lightfoot, alpinist,
has entered into a contract
with a Québec company to
advertize mountain shoes.
Informed that the company,
which manufactures the
shoes in its factory in
Absurdistan, systematically
refuses to hire women,
he now wishes to terminate
the contract and claim
damages. Can he do so?

**The Essay must
be submitted
by May 31st, 2010.**

* The Contest is reserved
to the students registered
in an undergraduate program
of Law in a Quebec university
or in the Civil Law program
at the University of Ottawa.

For the complete rules,
visit www.abcqc.qc.ca.

For more information,
contact Ms. Geneviève Cabana
at gcabana@abcqc.qc.ca

Dean Maxwell Cohen

by Professor William Tetley (Faculty)

I. Maxwell Cohen is to be honoured at McGill on March 17, 2010 for his accomplishments personally and for his contributions to the McGill Law Faculty.

II. Dean Maxwell Cohen, it should never be forgotten, made three major contributions to the McGill Law Programme.

Firstly - The national programme - civil law and common law - was his conception and was established by him.

Secondly - The building of Chancellor Day Hall and thus a real and first McGill Law School building was inspired and brought about by Dean Cohen.

Thirdly - The bilingual nature and programme of McGill - French and English in the classrooms, for examinations, in casebooks and documents, and for the professors, the students, and the administration. It was and is true bilingualism and was and is expected of everyone.

It was not double unilingualism, which I have defined as some participants expected to speak only English and others expected to speak only French, while a few in the middle are expected to speak both languages. This was brought about by the inspiration of Max.

III. "Survival and Fulfilment: Are we Two Floundering Peoples or One Blundering Nation?"

On November 7, 1967, Dean Maxwell Cohen gave the 87th Anniversary Lecture to the Institute of Chartered Accountants of Quebec at the Queen Elizabeth Hotel. Several quotations from the speech on the subject of "Survival and Fulfilment: Are we Two Floundering Peoples or One Blundering Nation?" appear below.

IV. The Constitution of Canada and Special Status

Maxwell Cohen was a very fluent (and fluid) speaker. He could talk extemporaneously at the drop of a hat, could go on at great length and was often criticized for this. See p 29 where he himself declares: "I am afraid I have spoken longer than expected."

But at p 28-29, he also makes the principal and important point of his paper, that he can accept special status for Quebec like Senator Maurice Lamontagne but only with an enormous proviso as follows:

V. Cohen makes one important proviso

"I make one proviso however; I am prepared to support the symbolic creation in some as yet undefined way of a special status for Quebec, as the homeland of French-speaking Canadians but, if that means a redistribution of federal-Provincial powers, I cannot accept it. This must be primarily a symbolic matter; it is not a matter of legislative competence. It must not mean a significant redistribution of power, or it will break up the Canada we know." (At p 28-29, emphasis added)

VI. Thus effectively Maxwell Cohen agrees with Pierre Elliott Trudeau and not Senator Lamontagne

VII. Conclusion

Maxwell Cohen's three major contributions to McGill were extraordinary while his opposition to special status for Quebec was important and rare amongst outspoken and even thoughtful leaders at the time.

William Tetley

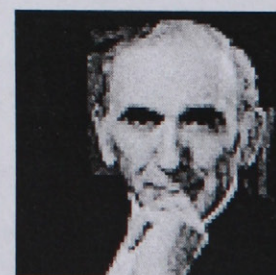
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Phone Residence (514) 733-8049

Tetley's latest book - "Marine Cargo Claims IV Ed., 2008" (3288 pages in 2 volumes) is now available for delivery and may be purchased from "Éditions Yvon Blais" - E-mail: editionsyvonneblais.commandes@thomson.com. The price is \$450 CAN or U.S., plus shipping and handling.

Nota Bene:

Marine Cargo Claims IV Ed., 2008 (2 Vols., 3288 pages) was recently named co-winner (with Bradley Crawford Q.C. and his book "The Law of Banking and Payment in Canada") of the Canadian Bar Association "Walter S. Owen Book Prize". The prize was for the best book in law in the English language during the past two years in Canada and was presented jointly to Bradley Crawford and William Tetley.



THE COMPOSTING REPORT: WEEK 4

par Hugues D. Bergeron (DROIT III) et Meredith Cairns (DROIT II)



La quatrième et dernière semaine de l'étude de compostage s'est bien déroulée. Nous avons recueilli approximativement 120 livres de matières compostables: un record! L'étude de compostage, comme nous l'avions mentionné dès le début de celle-ci, ne durait que quatre semaines. Il était toutefois possible pour nous de garder un contenant de compostage pour une semaine supplémentaire, afin d'informer graduellement les gens que celle-ci se terminait et afin de leur permettre de consulter notre texte dans le Quid de la semaine dernière (qui expliquait comment il était possible pour eux de continuer à faire du compost).

The bins and signs we have been using up to now were made available in order to run these composting audits. There will be a new audit, starting at the beginning of March, in the Engineering Faculty and these bins and signs will be used for that purpose. Obviously, there are other reasons explaining why we could not continue with this audit in our faculty. As was explained in the Quid last week, what made it possible is, to a large extent, the fact that it was temporary. There are several issues that would have to be tackled if we wanted it to be permanent. We are aware of these issues and have started to think about how we could deal with them. The objective is, obviously, to end up having composting bins permanently in our faculty.

However, this audit was also helpful for a myriad of other reasons: it made us realize that composting would definitely be possible in our faculty; it gave us an idea of the quantity of organic waste we would collect weekly as well as the rate of contamination we would have to deal with. Finally, it put us on the radar! Indeed, we have been in contact constantly with Dennis Fortune, the Sustainability Director of McGill University, since the beginning of the audit. We will be writing a report on the experience and this report is likely to appear on the website of the McGill Office for Sustainability. The law faculty's concern for the environment will, therefore, be known to all! Mr. Fortune is also working, along with several others, on the possibility of having permanent composting facilities at our university. He now knows, without a doubt, that the Faculty of Law would be a great place to start!

Bref, nous continuons de travailler sur le dossier et espérons, tout comme la majorité d'entre vous, qu'il sera un jour possible d'avoir des installations de compostage permanentes à la faculté!

Si vous avez des questions ou des observations, n'hésitez pas à nous contacter!

hugues.dorebergeron@mail.mcgill.ca; meredith.cairns@mail.mcgill.ca

Vos commissaires à l'environnement,

Hugues D. Bergeron et Meredith Cairns.

DROIT À L'IMAGE

Charlie Feldman (LAW II)

Dear Reader,

I love the Quid. I love my section. I'm glad so many of you seem to enjoy it (or, well, very few of you say you dislike it to my face). Sadly, this week has been crazy. Between Skit Nite and my academic responsibilities (*cough* I love you, CML prop *cough*) it's been hard to get everything together. That said, my section will be back with vengeance next week with more quotes than you can shake a stick at! I swear! Don't forget to send me stuff - quid.charlie@gmail.com. AND THANK YOU SO MUCH TO MY SPIES WHO SEND ME SUCH GREAT QUOTES..... actually, I'll share one this week that I adore:

Prof. Dedek: "The cow was named Rose... I don't know a lot of cow names. Amber. Or Ginger."
L1 [whispering]: Those are all stripper names.

And.. my favourite quote of the past week:

Prof. Klein: "A spontaneous utterance is neither spontaneous nor an utterance... talk amongst yourselves" (oh Coffee Talk....)

Other notes: I'm sorry the planned Quid Oscar pool didn't work - and because we go to press before the awards are given out, we won't be able to publish the winners. That said, the Tony award pool begins soon - make sure to send us your nominations before the big night - Sunday, June 13th!!

So, for this week, it's random stuff... but next week will be amazing. Like *War and Peace*, only better!
-Charlie

SKIT NITE - LAW SCHOOL OF ROCK FEEDBACK

If you're seeing this on Tuesday - go to Skit Nite. If it's past Tuesday, keep reading:

The Skit Nite - Law School of Rock Committee is formed each year from student volunteers who take on the mandate of putting together both events. If you have any comments or feedback about the events (good or bad) let us know so we can pass this input along to next year's committee. We really appreciate your feedback, and together we can improve the events for future years. Thanks!

Laura Easton, Charlie Feldman, Steven Jegou
Skit Nite & Law School of Rock Committee 2009-2010

2L Town Hall
vendredi, le 12 mars 2010
16h30 - Thomson House
***as required by By-law 3.3**

Come, discuss, drink (but you'll have to pay because we use our LSA budget for that...)

DROIT A L'IMAGE

Charlie Feldman (LAW II)

QUID FIND

Rules: words can be any direction!

Bonus: find three errors in this week's Quid!

BONNE CHANCE! (answers on page 22)

B	I	C	A	T	S	N	I	Q	J	U	T	R	A	S	L	I	E	A
T	I	A	E	M	R	E	L	L	U	F	M	D	B	I	H	C	Y	A
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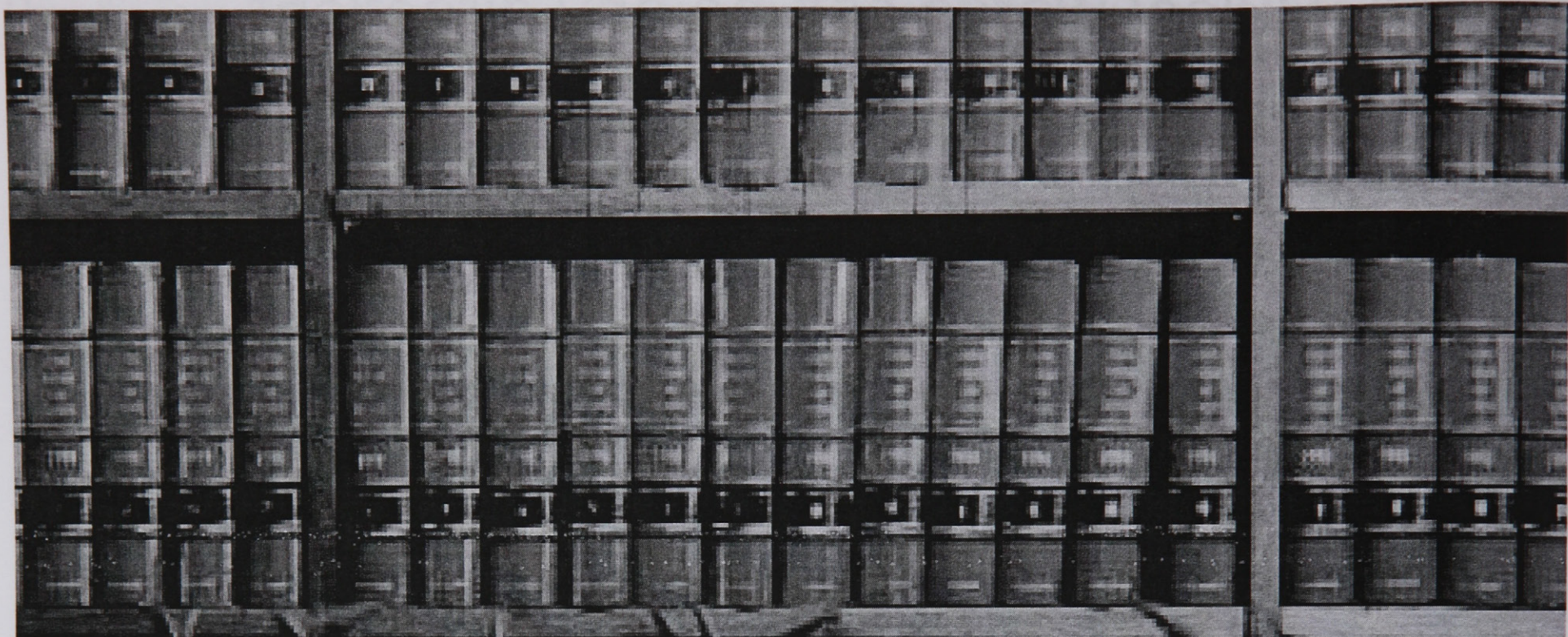
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roncarelli
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federal
hart
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prejudice
rule
victim

barreau
civil
court
dissent
fiducie
jurisdiction
lesion
moot
province
statute

Passing the Québec Bar - Part 2

by Narimane Nabahi (LAW ALUMNUS)



In the first part of this series of articles, I addressed issues that preceded the actual classes at the Québec Bar. This article will address the topics of books and other things you have to prepare before classes start. And since we started on the right foot in the previous article, we will again switch to French for this article.

Disclaimer: insert your favorite warning here – this is simply my opinion. Dates, requirements, exam structure, just about everything can change, so use your own judgment when reading this article.

Préparatifs

Livres

Quels livres acheter? Yvon Blais? Wilson Lafleur? Puis-je garder mon édition du CPC 2007-2008? Code criminel, annoté ou non? Tant de questions, et si peu d'information.

Lorsque j'étais à McGill, j'utilisais le Code civil d'Yvon Blais. J'avais acheté certains des autres codes sans trop prêter attention à la maison d'édition. Au Barreau, pour différentes raisons, il faut choisir plus intelligemment ces différents ouvrages. J'ai choisi les codes de Wilson Lafleur – à l'exception du

Code criminel. J'ai acheté le Code criminel annoté Cournoyer-Ouimet.

Conseil : on ne peut pas amener deux livres similaires aux examens, par exemple le Code civil de Wilson Lafleur et le Code civil d'Yvon Blais.

Conseil : Wilson & Lafleur, situé à deux pas de l'École du Barreau, offre des rabais aux étudiants.

Les index et les renvois ne sont pas tous les mêmes

Sur ce point, de nombreuses personnes m'ont dit que les indexes des codes de Wilson Lafleur sont bien meilleurs que ceux d'Yvon Blais. Je n'ai pas fait la comparaison moi-même. Néanmoins, je connais quelqu'un qui après s'être procuré un Code civil d'Yvon Blais s'en est acheté un nouveau de Wilson Lafleur en raison des indexes. Dans certains cas, certaines lois dans les codes d'Yvon Blais n'ont même pas d'index. Chez Wilson Lafleur, par exemple, la *Loi sur la justice administrative* a un index, tandis que la même loi chez Yvon Blais n'en a pas. Les indexes et les renvois sont importants pour les examens, il faut donc choisir judicieusement ses codes et ses lois, même si dans certains cas on doit payer un supplément : chez

Wilson Lafleur, par exemple, certaines lois comme la *Loi sur la justice administrative* sont des recueils reliés séparés qui, au total, coûtent plus cher que les codes lorsqu'on regarde le nombre de pages de ces suppléments.

Bigger is better?

On peut surligner nos codes et mettre des renvois à d'autres articles. Les codes d'Yvon Blais sont souvent plus petits que ceux de Wilson Lafleur. Si l'on ne veut pas que nos pages de codes soient trop surchargées, l'espace supplémentaire devient utile.

Anciennes éditions

Puisque le Barreau coûte plus de trois mille dollars, ce serait navrant d'échouer en raison d'un code qui n'est pas à jour. Dans ma classe, j'ai parfois vu des élèves fournir des réponses incorrectes en raison d'un ancien code. J'y reviendrai plus tard, mais chaque erreur à l'examen du Barreau est extrêmement coûteuse. La meilleure chose à faire est donc d'envoyer un courriel à Notice¹ pour vendre ses anciens codes et en acheter de nouveau.

Code criminel, annoté ou non

La seule loi annotée qu'il est permis d'acheter est le Code criminel. Le code an-

¹ Notice : liste de courriel utilisée en droit à McGill pour, en outre, vendre ses livres à d'autres étudiants.

noté est beaucoup plus cher que le code non annoté. Selon moi, ce code demeure un bon investissement – même en sachant que le droit criminel n'est pas à l'examen final.

Je trouve le Code criminel particulièrement difficile à lire. La lecture de la jurisprudence accompagnant les articles en facilite grandement la compréhension. De plus, la jurisprudence est souvent la bonne réponse dans les questions de droit criminel. Bref, cet outil aide à comprendre le cours. Mais pourquoi l'acheter même s'il n'est pas à l'examen final? Je crois qu'il est préférable de s'habituer bien à l'avance à son code. Le pire serait de rater l'examen final et de devoir se familiariser avec un nouveau code pour l'examen de reprise! Le Code criminel annoté, en particulier, est très volumineux et difficile à naviguer. Mieux vaut donc payer les 60 ou 70 dollars supplémentaires et ne pas avoir à se soucier de ces problèmes.

Conseil : regardez combien ce livre coûte à la COOP Droit de l'Université de Montréal.

Une bonne collection de classeurs

On reçoit beaucoup de papier au Barreau. Il y a d'abord les 40 jours d'annexes (lire : plein de papier!) que l'on nous donne avant de commencer. À ces 40 jours se rajoutent 30 autres jours que l'on nous donne en cours de route. De plus, les professeurs nous donnent souvent des annexes qui doivent être rajoutées aux annexes qu'on reçoit d'avance. Par exemple, si l'annexe 1 du jour 17 traite d'une requête introductive d'instance, il est fréquent que le professeur nous remette l'annexe 2 qui est le corrigé de cette requête. Finalement, certains sujets sont traités de manière disjointe, par exemple le droit des affaires : dans ces cas, il faut souvent amener les anciennes pages au cours. Bref, les papiers s'accumulent et se baladent de droit à gauche. Conclusion : avoir une bonne collection de classeurs pour tout ce que l'on reçoit au

Barreau.

Accès légal de Gaudet

Ce DVD, que les étudiants au Barreau et de McGill peuvent obtenir gratuitement, est un outil incontournable. En effet, le DVD contient non seulement toutes les lois du Québec et du Canada, mais aussi un Code civil annoté et les lois historiques du Québec. Lorsque l'on fait d'anciens examens, il est parfois utile de voir une loi dans sa forme antérieure. De plus, ceux qui amènent leurs portables en classes peuvent s'en servir pour faire rapidement des recherches, pour copier-coller des articles dans leurs notes ou tout simplement afin d'éviter d'amener une loi en cours. Le Code civil annoté est particulièrement bon, car il ne s'attarde pas trop sur la jurisprudence, mais au contraire, fait de très bons liens entre les différents articles du Code.

2- Renonciation aux acquêts

469. La renonciation doit être faite par acte notarié ou acte ou par une déclaration judiciaire dont il est donné acte.

La renonciation doit être inscrite ¹ au registre des droits personnels et réels mobiliers ; à défaut d'inscription dans un délai d'un an à compter du jour de la dissolution, l'époux est réputé ² avoir accepté. ³

1. art. 2938 (publié des droits — la renonciation est soumise à la publicité).

2. art. 2847 (présomption non repoussable).

3. art. 472, 2938 (on ne peut renoncer au droit de publier un droit soumis à la publicité).

Exception : art. 474 (héritiers).

Application du présent article aux héritiers lorsque le conjoint survivant a accepté le partage des acquêts (art. 473).

Réf. access. : art. 2936 (le droit de publier est d'ordre public).

Réf. compar. : art. 440 (contrat de mariage), 648 (succession — renonciation).

N.B. : article d'ordre public.




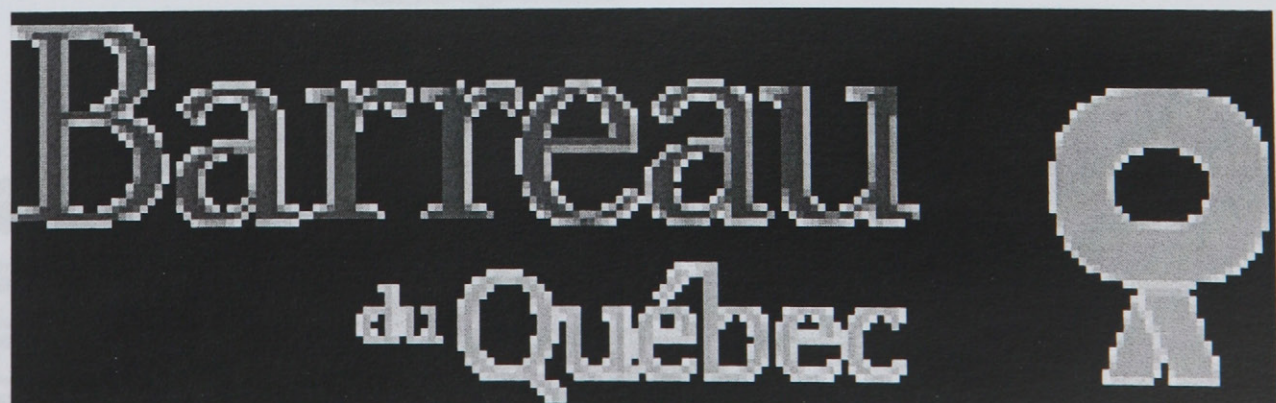
 **18** ans
copie de
sa

 1 an
➔ Publicité
des droits
PRM

Figure 1 - Exemple d'article du Code civil annoté

Pour obtenir ce DVD, il suffit d'envoyer par courriel à dvd@gaudet.qc.ca les informations suivantes : nom, adresse postale, établissement d'enseignement et no d'étudiant.

* * *

Dans le troisième article de cette série de six, j'aborderai le sujet de la journée typique au Barreau. Si vous avez des questions, n'hésitez pas à les envoyer à narimane.nabahi à (@) mail.mcgill.ca.



Passing the Québec Bar – Part 3

by Narimane Nabahi (LAW ALUMNUS)

In the first part of the article, I addressed issues that preceded the actual classes at the Québec Bar. The second part dealt with the issue of books and papers. This article will address the actual classes. And once again, it's time to switch to French. Disclaimer: insert your favorite warning here – this is simply my personal opinion. Dates, requirements, exam structure, just about everything can change, so use your own judgment when reading this article.

Qu'est-ce que l'expérience de l'École du Barreau

Il y a plusieurs manières de définir l'expérience de l'École du Barreau et en particulier la formation professionnelle. On peut la définir comme des journées de cours qui se succèdent. On peut la définir de manière chronologique : trois périodes séparées par trois examens bien différents. On peut aussi limiter notre analyse aux examens. Je vais regarder le barreau sous ces trois angles. Dans cet article, je traiterai de la journée typique.

La journée de cours typique

La journée typique au barreau se déroule comme suit. La veille, ou le matin même, on regarde notre guide d'activités de l'étudiant pour voir ce qui est prévu pour la journée à venir. Pour la plupart des journées, on voit une feuille comme celle que l'on peut voir ici.

JOUR 5

SECRET PROFESSIONNEL

• COMPÉTENCE PROFESSIONNELLE :

- Adopter une conduite professionnelle et éthique

• COMPÉTENCE DE SAVOIR-FAIRE OU DE SAVOIR-ÊTRE :

- Appliquer les règles d'éthique professionnelle et de déontologie

TRAVAUX PRÉPARATOIRES

- Répondre aux questions de l'Exercice pratique (annexe 2).
- Répondre aux questions du dossier Les Rebuts du Québec Inc. (annexe 4).
- Textes de loi :
 - Loi sur le Barreau;
 - Code des professions;
 - Code de déontologie des avocats.
- Autre référence :
 - Code de déontologie professionnelle de l'Association du Barreau canadien.

LECTURES OBLIGATOIRES

- Collection de droit :
 - volume 1, titre I, chapitre II, section 3, « Le secret professionnel de l'avocat et ses devoirs de confidentialité et de discrétion ».

NOTA : vous devez lire et apporter avec vous les décisions *Deveaux c. Mierzwinski*, [1982] 1 R.C.S. 860, *Maranda c. Richer*, [2003] 3 R.C.S. 193, *Société d'énergie Foster Wheeler c. Société intermunicipale de gestion et d'élimination des déchets Inc.*, [2004] 1 R.C.S. 456, *R. c. Solosky*, [1980] 1 R.C.S. 821 et *Smith c. Jones*, [1999] 1 R.C.S. 455.

Figure 1 - Exemple d'agenda pour une journée



On peut voir sur cette feuille le « but » de la journée. Dans mon exemple (le jour 5), c'est d'apprendre comment avoir une conduite professionnelle et éthique.

Les travaux préparatoires sont les travaux que l'on doit faire avant de se présenter en classe. Ici, il fallait faire deux annexes, soit la seconde et la quatrième. Une annexe, c'est généralement une série de questions auxquelles on doit répondre. Les réponses peuvent se trouver dans la loi, dans la jurisprudence ou dans la Collection de droit – et dans certains cas – nulle part.

Annexe typique

L'exemple que l'on voit est celui d'une annexe typique.

Conseil : Il est impératif de faire ces exercices avant d'aller en cours. Les annexes sont la pierre angulaire du cours et c'est pourquoi il est si important de bien les préparer, quitte à sacrifier d'autres activités. Voici plus en détail ma suggestion d'approche.

Comment faire les annexes

Cette question suscite souvent beaucoup de réactions, et elle est intimement liée aux autres documents utilisés au Barreau, soit les lois et la Collection de droit. Ma suggestion, qui ressemble plutôt à un algorithme, se lit comme suit.

1. Préparatifs

- a. Trouvez les lois qui sont requises pour la journée en question
- b. Brièvement, survolez ces lois pour au moins être capable de les localiser
- c. Même chose pour la Collection de droit: identifiez le volume et la partie du volume qui sera nécessaire pour faire les exercices
 - i. Mieux : téléchargez la section de la Collection de droit en ligne à partir du site du CAIJ pour être capable de rapidement chercher de l'information dans ces chapitres
- d. Trouvez un ou plusieurs fichiers contenant les réponses aux annexes des années antérieures

2. Recherche solo

- a. Lisez la (première) question
- b. Essayez de trouver la réponse
 - i. Regardez l'index de la loi
 - ii. Lisez la loi
 - iii. Cherchez dans la Collection de droit
- c. Après quelques minutes – ou quelques heures – formulez votre réponse

3. Vérification

- a. Regardez dans les réponses antérieures ce que les autres ont répondu
- b. Comparez ces réponses à votre réponse

ANNEXE 2

EXERCICE PRATIQUE : DEVOIR DE CONFIDENTIALITÉ RÉSUMÉS DES FAITS TRAVAIL PRÉPARATOIRE

1. a) Quelle est la portée du devoir de confidentialité et du privilège avocat-client eu égard au secret professionnel? Énumérez les critères requis pour qu'une information soit confidentielle.
- b) Quelles parties du dossier de l'avocat sont visées par le secret professionnel? Motivez votre réponse.
- c) L'avocat peut-il être assigné comme témoin devant le tribunal? Motivez votre réponse.
2. M^e Louis Alarie est poursuivi en responsabilité civile par son client, André Ledoux, qui a également déposé une plainte contre lui auprès du syndic du Barreau.
 - a) Le secret professionnel empêche-t-il M^e Louis Alarie de se défendre? Motivez votre réponse.
 - b) La situation serait-elle différente s'il s'agissait d'une poursuite en dommages pour abus de procédure, intentée par la partie adverse contre laquelle M^e Louis Alarie a agi? Motivez votre réponse.
3. Si un client ne paie pas les honoraires dus à son avocat, ce dernier peut-il le poursuivre et témoigner de faits protégés par le secret professionnel? Motivez votre réponse.

.....

Vous représentez un client qui vient de plaider coupable à trois accusations de vol. Lors de la divulgation de la preuve, le ministère public vous a informé que votre client n'avait pas de casier judiciaire. Au cours de la préparation du dossier, votre client vous apprend qu'il a un antécédent judiciaire de même nature. Pour une raison que vous ignorez, cette information n'est pas inscrite sur les banques de données des services policiers. Au moment des représentations sur la peine, le ministère public affirme devant le tribunal

2009-2010

5:7

Figure 2 - Exemple d'annexe

- c. Essayez de comprendre qui a « raison », à l'aide des lois, de codes annotés ou de la Collection de droit
 - i. Pour la Collection de droit, on peut faire une recherche sur les numéros d'articles trouvés pour voir où exactement on traite d'un article donné
- d. Formulez une nouvelle réponse qui intègre les éléments qui ont l'air le plus plausible
- e. Formulez des questions à poser au professeur. Ces questions devraient être reliées à des réponses que vous jugez valides, mais qui d'après votre recherche n'ont pas de sens
 - i. Par exemple : « Pourquoi est-ce que l'article 123 ne s'applique pas ici ? »

4. Passez à la prochaine question

Dans cette approche, il y a deux étapes clés. La première est celle de recherche dans la loi. C'est en fait ma méthode pour lire la loi sans jamais vraiment « lire la loi ». Au lieu de prendre la loi comme un roman, qu'on lit du début à la fin, on lit la loi avec un but précis en tête. Par exemple, je cherche dans le Code criminel un article qui traite de la détention d'un accusé. Ceci me force à regarder l'index. Ceci me force à identifier un ou des articles qui m'apparaissent pertinents. En réalité, je suis en train de lire la loi sans m'en rendre compte. Pour que cette recherche soit utile, il faut tout de même se concentrer pour bien lire les articles, et de temps en temps, pousser plus loin sa recherche lorsqu'un article pique notre curiosité. Dans ces cas-là, je vais regarder dans la Collection de droit le sens de cet article, les cas où il s'applique, etc. Je peux aussi aller regarder les renvois qui sont indiqués au bas de l'article.

La deuxième étape clé est celle d'aller comparer sa réponse préliminaire à celle des anciens élèves. D'un côté, cela peut paraître néfaste puisqu'on a l'impression de « tricher » en regardant les anciennes réponses. Mais si on a bien fait l'étape clé précédente – c'est-à-dire qu'on s'est bien creusé les méninges – la réponse elle-même a peu d'importance : le lendemain, le professeur va nous donner cette réponse. **Ici, le but est d'anticiper cette réponse et de bien préparer nos questions par rapport à cette réponse.** Voici pourquoi : si on attend le lendemain pour attendre la bonne réponse, on perd une occasion précieuse d'avoir une bonne question à poser au professeur et de bien profiter du cours.

Par exemple, imaginons que j'arrive à la conclusion, après ma recherche solo, que la réponse à une des ques-

tions est l'article 2925 du Code civil. Si cette réponse est fausse, mais que je le réalise à la maison, je peux prendre mon temps pour comprendre pourquoi cette réponse est fausse, et je peux aussi reformuler ma réponse. Si à la fin de cette réflexion je ne suis toujours pas convaincu que ma réponse est fausse, je peux poser la question le lendemain en classe.

Par contre, si j'attends le lendemain pour réaliser que ma réponse est fausse, deux mauvais scénarios risquent d'avoir lieu. Le premier est le suivant : le professeur va donner la bonne réponse, je vais noter la bonne réponse, mais je ne comprendrai pas pourquoi ma réponse n'était pas bonne. Je viens de perdre une occasion en or de poser une question critique pour ma réflexion. De plus, je ne connais pas nécessairement l'article en question, et dans ce cas c'est une recherche frénétique à travers le code pour le localiser.

L'autre mauvais scénario est le suivant : je réalise que je ne comprends pas quelque chose, je lève ma main pour poser ma question, mais en fait je pose une question « inutile ». Par inutile, je parle d'une question à laquelle j'aurais pu répondre la veille avec très peu de réflexion. Et en posant une question inutile, j'ai peut-être raté ma chance de poser une question plus utile pour ma compréhension. Sans compter que j'ai interrompu la classe inutilement.

En résumé, le but de cette approche est de :

1. Lire et décortiquer les lois en ayant un but précis en tête
2. Essayer de comprendre la matière le mieux possible avant le cours pour maximiser les précieuses heures de cours

Une note sur les anciennes réponses : il est très probable que les anciennes réponses soient fausses ou inexactes. C'est pour cette raison qu'il faut les lire, mais arriver à sa propre conclusion. Ce qui compte, c'est d'avoir bien fait le tour de la question. Simplement recopier les réponses d'autres personnes n'a strictement aucune utilité.

Annexe d'information

Pour la journée 5, l'annexe 1 était une annexe d'information. Ces annexes résumant de manière sommaire un sujet particulier. Toutes les journées n'ont pas ce genre d'annexes, mais on les retrouve souvent lorsque des sujets sont compliqués ou lorsqu'un tableau ou deux peuvent grandement clarifier un sujet.

Conseil: Bien que ces annexes ne figurent pas toujours dans la liste des travaux préparatoires, il est fortement conseillé de les lire avant le cours.

Annexe remise en classe

Dans certains cas, des annexes sont distribuées en classe telle une annexe de questions. Le plus souvent, c'est une annexe de réponses qui est donnée en classe, en particulier pour les exercices de rédaction. Donc par exemple, si l'annexe 1 demande de rédiger une requête introductive d'instance, l'annexe 2, remise en classe, établit la grille des éléments de réponse recherchés.

Annexe de mise en situation

Pour certains problèmes, tels que les exercices de consultation, le professeur remet à différents élèves une annexe comprenant les informations fictives que l'étudiant doit avoir pour jouer son rôle correctement. Par exemple, l'élève 1 pourra recevoir une annexe expliquant la position du stagiaire, l'élève 2 recevra une annexe expliquant les attentes du client, et

l'élève 3 recevra une grille de pointage pour noter les éléments que le stagiaire aura correctement soulevés.

Les textes de loi

Comme on peut le voir dans la feuille du jour 5, le Barreau nous indique les textes de lois qu'il faut lire, mais surtout apporter en classe!

Conseil : Ne pas aller en classe sans ses lois. Il est important d'y avoir accès, pour comprendre les réponses et pour faire des renvois, si nécessaire. Et malheureusement, même lorsqu'il s'agit du Code criminel annoté.

Tel qu'expliqué précédemment, je ne suis pas un grand admirateur de la méthode d'apprentissage intitulée « Lis ta loi! » Je sais par contre que de nombreuses personnes ne jurent que par cette méthode. Ce n'est pas que cette méthode ne soit pas bonne selon moi, c'est simplement que je la trouve inefficace et ennuyante. Tous les articles n'ont pas la même importance. De plus, lire sans avoir de but précis ne permet pas de faire les liens que je trouve sont nécessaires pour les examens.

La Collection de droit

Je crois que parmi tous les documents, celui-ci est le plus controversé. La Collection de droit est particulièrement volumineuse : une douzaine de volumes avec des fascicules complémentaires. De nombreuses fois, j'ai commencé à lire les chapitres assignés, et je n'ai ni pu finir ces chapitres, ni trouver le temps de faire mes annexes. De nombreux professeurs recommandent même de ne pas lire la Collection de droit. Par contre, d'autres y réfèrent en classe avec l'impression que tous les élèves en ont fait la lecture.

Que faire? Je crois que deux approches sont certainement bonnes. La première est d'aller consulter la Collection lorsque l'on cherche une information précise en faisant des annexes. Par exemple, si on conclut que l'article 2925 est une réponse possible pour une question du droit des obligations, on fait une recherche dans la Collection de droit pour avoir des précisions

sur cet article. La seconde approche est de lire sur des sujets qu'on a moins bien compris.

Ce n'est pas que la Collection est mauvaise, loin de là. Le problème est que la Collection ne correspond pas directement avec ce qui va réellement être à l'examen, ou du moins le minimum nécessaire pour passer l'examen. Je suis persuadé que de ne pas lire la Collection va vous coûter quelques points à l'examen parce que pour répondre à une question il y aura un élément qui se retrouve clairement (et voir, exclusivement) dans cette Collection. Le problème, c'est que nous n'avons pas le temps pour tout lire et tout faire. Puisque faire les annexes est nécessaire pour bien profiter du cours, lire la Collection est en quelque sorte secondaire.

Conseil : utilisez la Collection de droit en ligne pour accélérer vos recherches.

(http://www.caij.qc.ca/doctrine/collection_de_droit/2009/index.html)

La jurisprudence

De temps en temps, la jurisprudence apparaît, mais elle disparaît aussi vite qu'elle est apparue. S'il faut retenir quelque chose de la jurisprudence, ce n'est (presque) jamais le nom des cas, mais au mieux les principes. Bref, lire les cas en long et en large n'est pas la meilleure utilisation du temps possible. De plus, sachez qu'à l'examen, vous n'avez pas à citer un cas textuellement si celui-ci est au cœur de la réponse. Si le principe constituant la réponse est dans un cas, vous pouvez en effet y référer en citant simplement « jurisprudence » ou « dans la jurisprudence ».

Le minimum requis

J'ai ajouté les quelques lignes qui suivent après avoir écrit cet article. En parlant à mes amis qui font actuellement le Barreau, j'ai réalisé que deux règles très importantes n'étaient pas assez claires dans cet article. Les voici donc :

Règle 1 – Aller en cours tous les jours

Je pensais que c'était évident, mais visiblement, ce n'est pas le cas. Je ne dis pas qu'il est nécessaire d'aller en

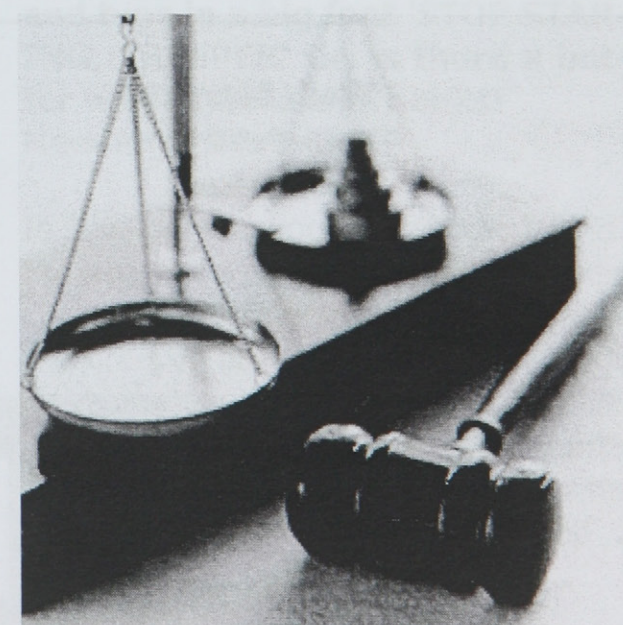
cours pour réussir aux examens. Par contre, je ne vois pas de bonnes raisons de ne pas aller en classe. Il faut non seulement faire les annexes, mais il faut aller en classe pour entendre et discuter de la correction! Au lieu de sécher un cours pour étudier tout seul, il vaut mieux aller en cours et étudier tout seul.

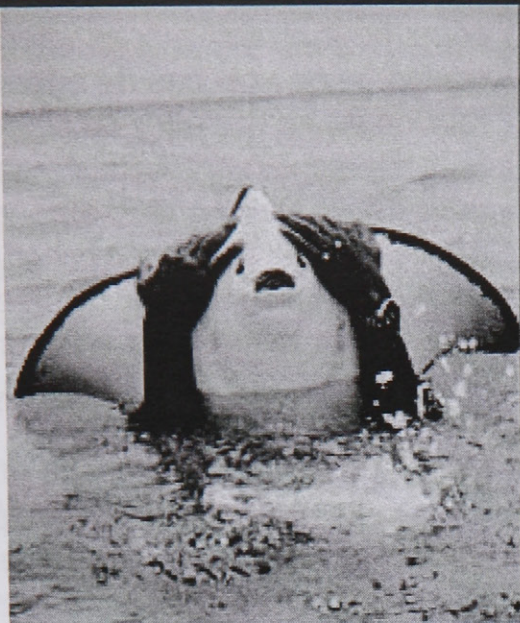
Règle 2 – Lire ses annexes

Je sais qu'il n'est pas toujours possible de faire ses annexes pour le cours du lendemain. Dans ces cas, il est fortement recommandé d'au moins lire ses annexes avant d'aller en cours. Cela permet, dans les cas où le professeur ne lit pas la trame factuelle en classe (souvent longue, détaillée et évolutive), de comprendre un peu de quoi l'on parle. Il est souvent impossible de lire l'énoncé assez rapidement pour comprendre la réponse donnée en classe. Bref, en plus d'aller en classe tous les jours, la deuxième chose à faire est de savoir minimalement la matière qui sera vue en classe et les faits qui composent les questions.

* * *

Et voici ce qui conclut ce troisième article sur le Barreau. Dans mon prochain article, j'aborderais le Barreau sous l'angle chronologique. Si vous avez des questions, n'hésitez pas à les envoyer à narimane.nabahi à (@) mail.mcgill.ca.

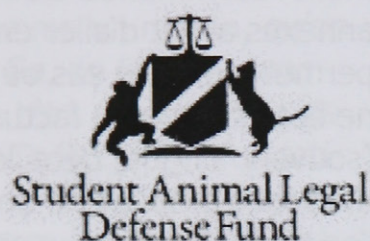




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WE ANIMALS

McGill Symposium & Exhibit on Animal Law



March 8-11, 2010
McGill Faculty of Law
3644 Peel Street, Montreal

March 8-11
The Atrium

WE ANIMALS
 Photography Exhibit: Documenting Animals in the
 Human Environment
 Artist: Jo-Anne McArthur

Tues, March 9
5:30-7:00 pm
Room 100

Switzerland Leading the Way:
 A Presentation by the World's Only Public Animal Welfare
 Lawyer, Dr. Antoine F. Goetschel

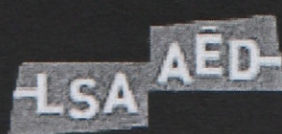
Wed, March 10
6:00-7:45 pm
Room 100

Perspectives on Animal Law: A Panel of Experts from
 Switzerland, Canada and the U.S.
 Panelists:
 - David Wolfson, Adjunct Professor at NYU Law School
 - Alanna Devine, Director of Animal Welfare, Montreal SPCA
 - Dr. Antoine F. Goetschel, Public Animal Welfare Attorney,
 Zurich, Switzerland

Wed, March 10
7:45-9:00 pm
The Atrium

WE ANIMALS Vernissage & Reception
 Food, Drinks & Raffles
 Proceeds will go to the Montreal SPCA, Fauna Foundation &
 The Animal Legal Defense Fund

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Dear Abby II

by Abby Becraft (LAW III)

Dear Abby,
I am a Prof in need of advice... my students seem to be more interested in checking their 'facebook's' than paying attention to my brilliantly-crafted lectures. How can I get students to focus, or, better yet, participate?
Ignored in NCDH

Dear Ignored in NCDH,

Have you noticed that the telltale, continuous left-click (I'm-looking-at-Charlie's-most-recent-facebook-album) motion actually STOPS when you start talking? It's not your brilliantly crafted lectures which are being ignored. It was just around the time that the precarious whipper-snapper in the second row started waxing prophetic about flood gates and social justice when 50% of the room started typing "www.facebook.com" into their web browser (the other half opted for www.google.com). So here's my advice- talk more! Your students care about what YOU have to say, not what whipper-snapper has to say. When you do talk, mention that every sentence that comes out of your mouth is going to be on the exam. This will work miracles.

That said, the way you could really get into your student's head is to create your own Facebook account and then "friend" them all. After all, we're McGill and we're into experimental and innovative pedagogy, right? Just before you go into class, post a bunch of pictures from your "crazy" weekend. Start using anecdotes from said "crazy weekend" to illustrate your legal points. This will undoubtedly capture the attention of your Facebook addicted pupils.

Dear Abby,
Is there a nice way to say 'no, I don't want to give you my summary'? When people want other things from you it's okay to say no, but there seems to be no good way to avoid an unwanted summary share. What do you suggest?
Secretly Saving Summaries

Dear Secretly Saving Summaries,

Have you noticed that you usually sit alone in the caf during universal break? When group projects come around, do you find yourself having to ask the prof to assign you to a group? This isn't a coincidence, you don't have friends. You see law school as an individual competition. And to some extent you would be right- at the end of this journey we each get our own transcripts with our own grades. But indulge me in making an Olympic analogy. Remember Tessa Virtue and Scott Moir, the gold winning Canadian ice dancers who train day-in and day-out with the American silver medal winning duo of Meryl Davis and Charlie White? (If you don't

know who these people are, you are a bad Canadian). It is no coincidence that these two couples finished on top. They train together and sharpen each other, they share ice and tips, and in doing so make each other better on the whole. When it comes to competition day they are on their own, but they both benefit from all the collaboration which happen over the years leading up to that final test. Sure, one was a small step higher on the podium, but they all went home with medals. And you don't have to be the gold medalist to get an endorsement or a job.

That said, there are the rare individuals here at law school that are always taking and never giving. If you really are feeling used and abused by a particular individual, when he or she asks for the summary I would just reply "oh, don't worry, it's super easy to make one for yourself! Just attend every class, make summaries of all the readings, compile it all, index and format everything, and you'll be set!" Flash a big smile and never look back.

Dear Abby,
The student next to me keeps spying on my computer during class. Is it bad if I open a word document and type in a big font 'STOP STAR-ING, CREEPER' Or, is there a better way to do this? Thanks!
Needing Privacy in IP

Is this person your Facebook friend? My suggestion is that during your next class, get a prime seat right in front of the creeper, pull up Facebook, and go right to Mr. Wondering-Eye's profile. Spend the next 80 minutes blatantly looking at all his pictures and wall posts. The most effective way to stop a creeper is to be a creepier creep.



ANNUAL LECTURE IN JURISPRUDENCE AND PUBLIC POLICY

GEORGE TRIANTIS

Eli Goldston Professor

Harvard Law School

Prof. Triantis is a leading scholar in the field of law and economics focusing principally on bankruptcy, commercial transactions, contracts and corporate finance. He has recently written on "Evidence Arbitrage: The Fabrication of Evidence and the Verifiability of Contract Performance"; "Completing Contracts in the Shadow of Costly Verification"; "The Economic and Legal Boundaries of Firms".

"THE ECONOMICS, MORALITY AND PRACTICE OF CONTRACTS"

Monday, 22 March, 2010 at 17h00

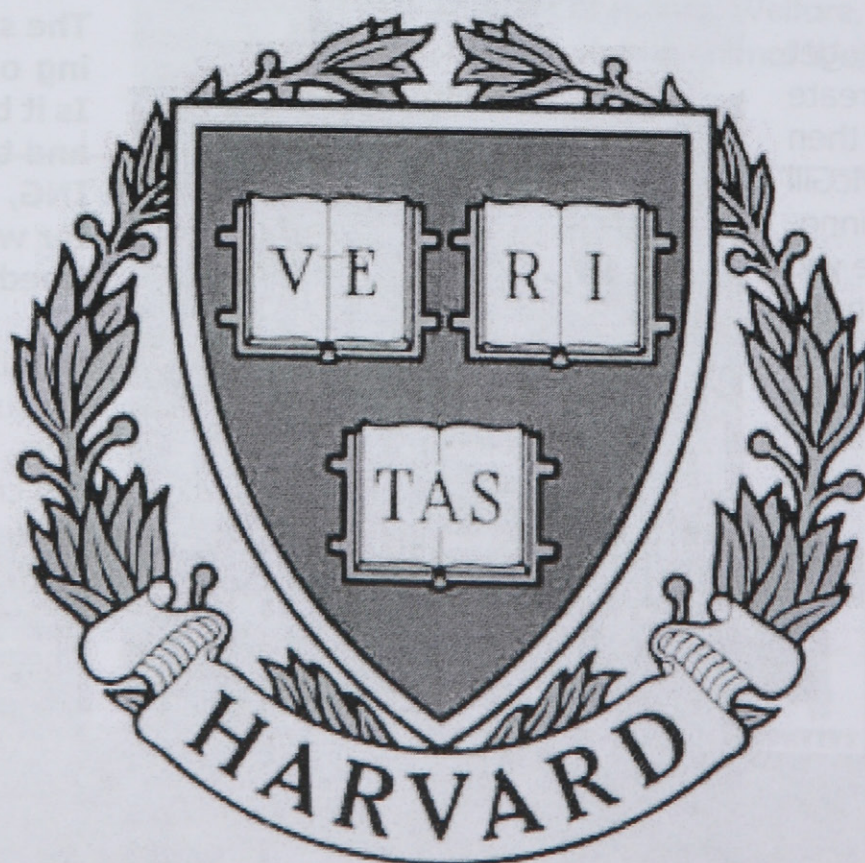
New Chancellor Day Hall

Maxwell-Cohen Moot Court (room 100)

For more information, please contact

Prof. Richard Janda: Richard.janda@mcgill.ca

This lecture is made possible by a grant from the
Beatty Memorial Lectures Committee



What does a JD mean for me?

by Gabriel Joshee-Arnal (LAW I)

It's 7:50am and for the last hour and a half I have been sitting on a VIA train going from Montréal to Toronto. I just got a text message from a friend studying at another Canadian law school. Her message excitedly boasted of how her university had just announced the switch from the LLB to the JD program. Reading this, and not fully understanding the implications (partly due to a lack of sleep), I responded with a simple "congrats".

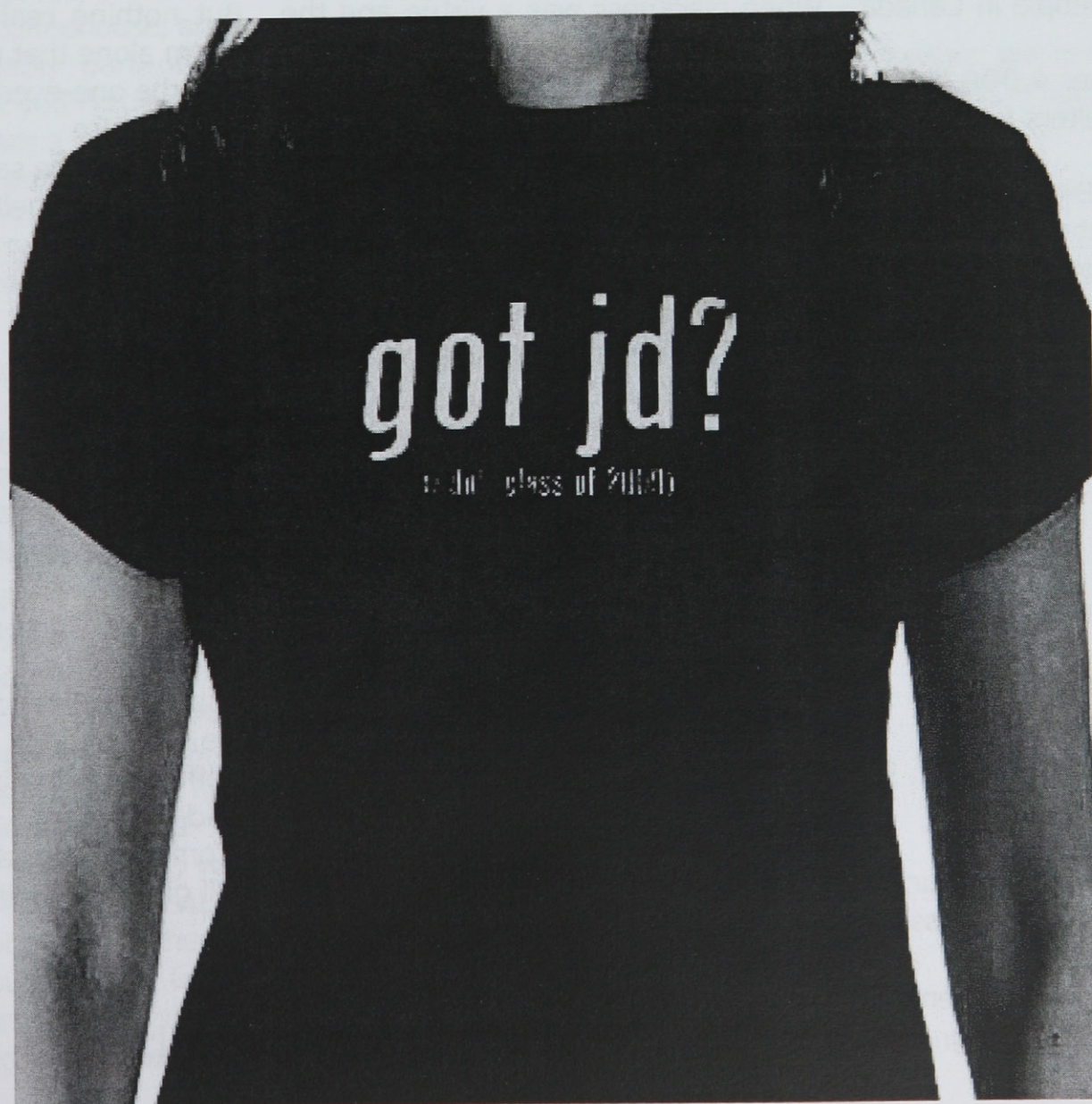
After thinking about it a bit more, I started to wonder if the switch to a JD was something we at McGill should be considering. This is not to say that just because other schools are doing it McGill should as well. Rather, I wonder if it is something that would add to the unique educational experience we have here.

While there are still many key distinctions between the LLB and the JD that I don't fully understand, I'd like to highlight a couple of the differences I noticed. First, the LLB comes from Britain

while the JD comes from the United States. Entry into a JD program generally requires a minimum of three years of undergraduate study, whereas the LLB requires no post-secondary experience (although in Canada, most universities will only accept candidates with an undergraduate degree). Many of the other top universities in Canada, such as Toronto and Osgood, have switched to JD programs in recent years.

Through conversations with some friends in first year here, I learned that the LSA had formed a committee last year to investigate the topic. After reading the report, I found that the committee's enquête clarified quite a bit of the debate, and I believe it is a great step towards establishing a student position. There are, however, a few questions that still remain unanswered, such as the potential impact of the switch to tuition and the concrete impact this would have on employment opportunities. Does a switch mean nothing more than changing the letters on the back

end of my future business cards, or will switching to a JD impact the content of our education and our employment potential? Simply put, what does a JD mean to me as a McGill law student? Currently, the LSA is reconsidering the question. For all of those who, like me, want to see an in-depth and serious study of this, I invite you to raise the point with any member of the LSA executive or council. I do not think it is unreasonable to come up with a firm student position in the next one to two years supporting or opposing a switch to a JD program. It is important that we, as students, know exactly what a change could mean for us, since, based on trends of the other top law schools, it is reasonably foreseeable that we're going to be discussing this with the faculty in the near future.



Gratitude, Praise and Hope from the LPPP

by Melanie Benard (LAW I)

The Local Poverty Prevention Portfolio (LPPP) organized a donation drive in February to benefit the Old Brewery Mission homeless shelter. Some of you may recall our relentless solicitations and in-class announcements, and our attempts to provoke cavities by selling you valentine goodie-bags in the hallway. We're pleased to announce that the drive was a big success: together, we managed to collect five boxes of food and clothing, in addition to nearly \$300 in cash donations. The LPPP would like to extend our sincere gratitude to all of you who contributed to this cause.

As a follow-up to this event, we would like to share a few startling statistics regarding homelessness in our community. You may be surprised to find out that:

- There are over **30,000** homeless people in Montréal. (This is almost twice the capacity of the Bell Centre)
- **20%** of homeless people in Canada live in Quebec
- In Quebec alone, over **4,000** homeless people rely on shelters for survival each year
- Last year, the Old Brewery Mission had **128 855** overnight stays (an average of 353 people per night), and served **259 333** meals (an average of **711** meals per day).

The homeless come from varying linguistic, ethnic and social groups. Most have suffered major economic upheaval:

- 80% have been abandoned by their families
- 30% of men and 80% of women have mental health issues
- 60% have drug-related or other dependencies

Since 1889, the Montreal community has counted on the Old Brewery Mission to assist these vulnerable men and women. The Mission provides emergency services, transition programs,

permanent social housing services, and services specifically for women; it supports and assists clients in gaining greater stability and autonomy. Although the Mission receives some governmental support, it relies on donations of community members like us to help them provide these essential services.

The LPPP would like to thank you all once again for your support during the donation drive. We look forward to organizing another drive next year and to getting more students involved with the portfolio. Although the challenges facing the homeless are formidable, together we can help provide these fellow community members with warmth and nourishment. Most importantly, we can help provide them with hope, security and temporary shelter from the storm.

'Twas in another lifetime, one of toil and blood

When blackness was a virtue and the road was full of mud

I came in from the wilderness, a creature void of form.

"Come in," she said,

"I'll give you shelter from the storm."

And if I pass this way again, you can rest assured

I'll always do my best for her, on that I give my word

In a world of steel-eyed death, and men who are fighting to be warm.

"Come in," she said,

"I'll give you shelter from the storm."

Not a word was spoke between us, there was little risk involved

Everything up to that point had been left unresolved.

Try imagining a place where it's always safe and warm.

"Come in," she said,

"I'll give you shelter from the storm."

I was burned out from exhaustion, buried in the hail,

Poisoned in the bushes an' blown out

on the trail,
Hunted like a crocodile, ravaged in the corn.

"Come in," she said,

"I'll give you shelter from the storm."

Suddenly I turned around and she was standin' there

With silver bracelets on her wrists and flowers in her hair.

She walked up to me so gracefully and took my crown of thorns.

"Come in," she said,

"I'll give you shelter from the storm."

Now there's a wall between us, something there's been lost

I took too much for granted, got my signals crossed.

Just to think that it all began on a long-forgotten morn.

"Come in," she said,

"I'll give you shelter from the storm."

Well, the deputy walks on hard nails and the preacher rides a mount

But nothing really matters much, it's doom alone that counts

And the one-eyed undertaker, he blows a futile horn.

"Come in," she said,

"I'll give you shelter from the storm."

I've heard newborn babies wailin' like a mournin' dove

And old men with broken teeth stranded without love.

Do I understand your question, man, is it hopeless and forlorn?

"Come in," she said,

"I'll give you shelter from the storm."

In a little hilltop village, they gambled for my clothes

I bargained for salvation an' they gave me a lethal dose.

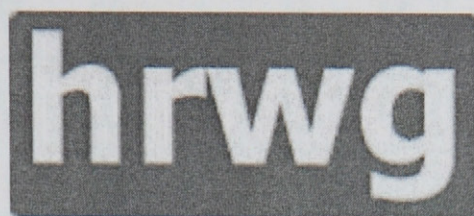
I offered up my innocence and got repaid with scorn.

"Come in," she said,

"I'll give you shelter from the storm."

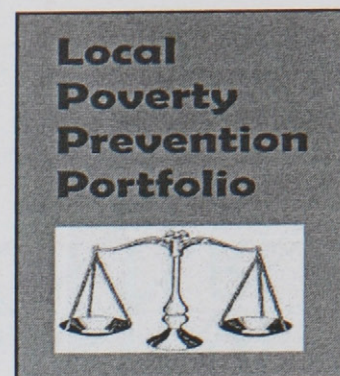
Well, I'm livin' in a foreign country but

I'm bound to cross the line
 Beauty walks a razor's edge, someday
 I'll make it mine.
 If I could only turn back the clock to
 when God and her were born.
 "Come in," she said,
 "I'll give you shelter from the storm."



McGill

-Bod Dylan (Shelter From the Storm)
 Copyright ©1974 Ram's Horn Music



For more information on the Old Brewery Mission, visit: <http://www.oldbrewerymission.ca/>



MISSION OLD BREWERY
 THE OLD BREWERY MISSION

For more information on the LPPP, contact: melanie.benard@mail.mcgill.ca

continued from p.2

Maybe the problem is ignorance – people don't know what the LSA does and what the roles are? Maybe it's apathy, in which case the situation is even more troubling. You pay LSA fees, you benefit from LSA services (coffeehouse, anyone?), you are probably part of an LSA-funded club – just you holding this is something the LSA has a part in – the Quid gets LSA funding and relies upon it for its survival. Everyone should care. Of course, everyone 'should' care about a lot of things.

What makes this situation so unique is that the power is here – it's accessible – all you have to do is fill out a form and get some signatures. It's not hard to do, it's not too much. But, still, it seems this is too much for 99.99% of the Faculty. Now, I know what you're thinking: why don't YOU run? Well, I did. I didn't win – I'm cool with it, now I have other things going on (aka the Quid and putting up with the ridiculous demands of our staff, mostly Charlie...). But, and here's something to keep in mind – I graduate next year. If you're in 1L, you could serve for two years and REALLY impact things. Think about it – if there's one thing the LSA could benefit from, it's institutional memory. Except for Stefan, nobody nominated for the Exec has

served on the Exec before. This isn't illegal, but it may be problematic.

On a separate – yet equally important note – there is only one female candidate for the Exec at present, and a very small percentage of francophone nominees relative to the number of positions available. Si on veut que nos intérêts soient protégés et entendus, qui est mieux placé qu'un groupe d'élèves francophones pour le faire?

A problem arises even with respect to the acclaimed positions. Even if the people who volunteered for positions are fit for the job, democracy demands that there be some competition – if there's no debate, no dialogue, no dissent – the path to tyranny begins to form. Well, okay, so that's obviously an exaggeration, but the point is nonetheless important to make – the LSA has great power to affect our life at the faculty academically and "outside of class". We should consequently care about who ends up on the Executive and who will serve on Council.

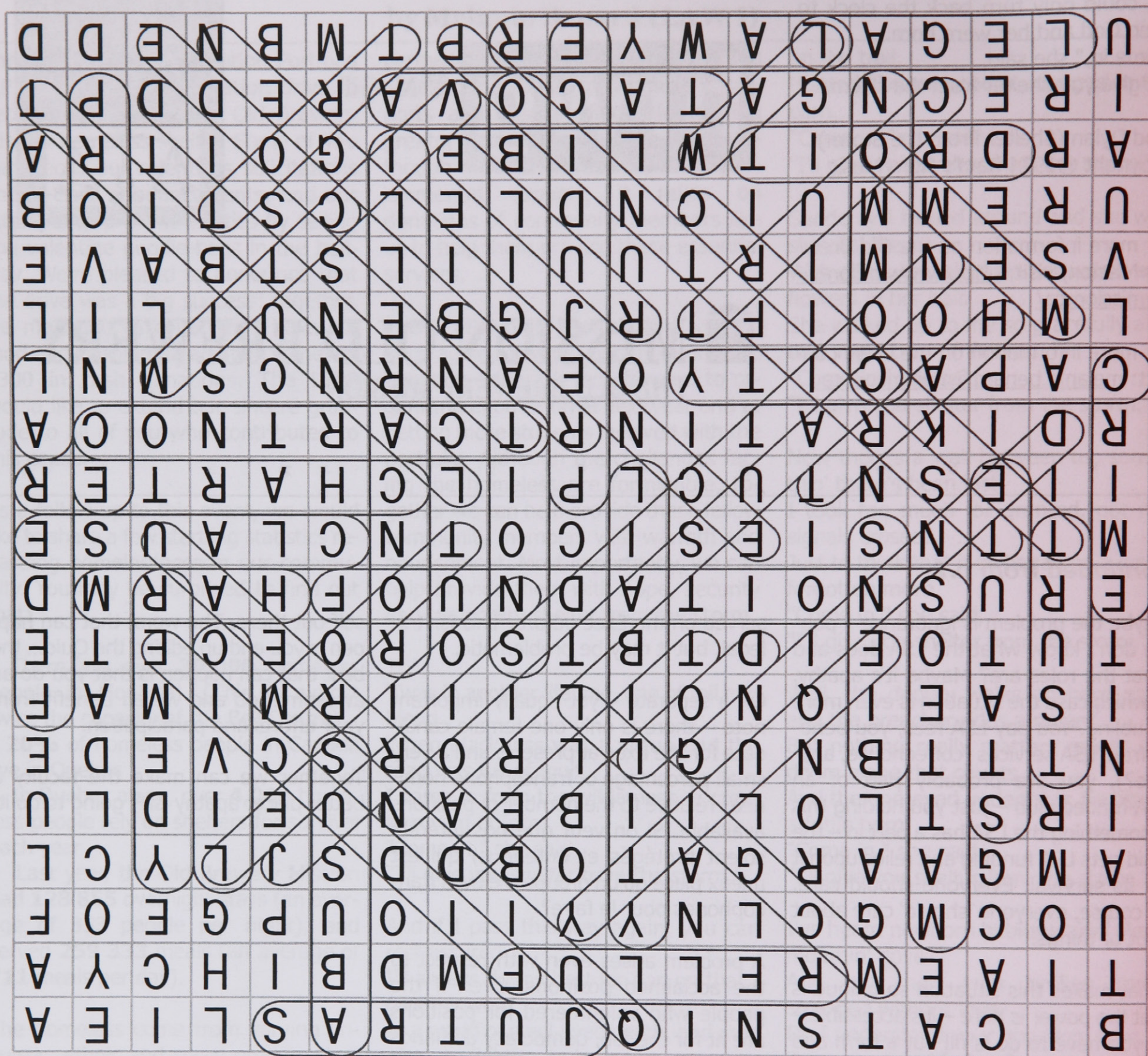
This paper comes out Tuesday – the day nominations are due. If you're reading this and it's before 5, go to the atrium now and grab a form – put your-

self out there. The worst that can happen is you end up editing the Quid... the best that can happen is that you do an awesome job and we all benefit from your efforts and participation.

Together we can make the faculty a better place; apathy isn't going to do it.

DROIT À L'IMAGE

Charlie Feldman (LAW II)



Upside down... to make it more difficult.... because we roll like that at the Quid, yo.

"We're going to a place nearby - gotta goooooo" - Chanel S.

"Wait, what are you singing?" - Anon

"I'm charging up my battery with love" - Anon

"I think it's 'my battery is low'" -Charlie

..... Patrick R. walks into Quid office.... (stop by the office during editing/singing hours and you get a request) - he picks.... Bob Dylan. He is asked to leave the Quid office. Next up: Jo-Jo!

